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THIRD READING

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Bill No: AB 2269  
Author: Waldron (R), et al.  
Amended: 8/2/16 in Senate  
Vote: 21

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SENATE JUDICIARY COMMITTEE: 7-0, 6/28/16  
AYES: Jackson, Moorlach, Anderson, Hertzberg, Leno, Monning, Wieckowski

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/11/16  
AYES: Lara, Bates, Beall, Hill, McGuire, Mendoza, Nielsen

ASSEMBLY FLOOR: 77-0, 4/25/16 - See last page for vote

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**SUBJECT:** Animal shelters: research animals: prohibitions

**SOURCE:** Cruelty Free International  
State Humane Association of California

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**DIGEST:** This bill prohibits a person or animal shelter from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer, prohibits the transferring of live animals to a research facility or animal dealer, as specified, and makes other conforming changes.

**ANALYSIS:**

Existing law:

- 1) Declares that it is the policy of this state that no adoptable animal should be euthanized if it can be adopted into a suitable home, and that no treatable animal should be euthanized if with treatment it could become adoptable with reasonable efforts. (Civ. Code Sec. 1834.4.)
- 2) Provides that whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility,

and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal shall be deemed to be abandoned. (Civ. Code Sec. 1834.5 (a).)

- 3) Requires the person into whose custody the animal is placed for care to try for at least 10 days to find a new owner for the animal, or turn the animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal. (Civ. Code Sec. 1834.5 (a).)
- 4) Authorizes the animal care facility to have the abandoned animal euthanized if it is unable to place the animal with a new owner, shelter, or rescue group as described above. Existing law further authorizes a veterinarian to euthanize an animal abandoned with the veterinarian or with a facility that has a veterinarian, if a new owner cannot be found after following the specified procedures for holding the animal described above. (Civ. Code Sec. 1834.5 (a) and (b).)
- 5) Prohibits any animals abandoned at veterinarian hospitals, kennels, pet grooming parlors, and animal hospitals from being used for scientific or any other type of experimentation. (Civ. Code Sec. 1834.5 (e).)
- 6) Requires any pound or animal regulation department of a public or private agency who turns over living or dead animals to biological supply facilities or research facilities to post a specified notice clearly visible to the public stating that animals turned in to the pound or department may be used for research purposes or to supply blood, tissue, or other biological products. (Civ. Code Sec. 1834.7 (a).)

This bill:

- 1) Prohibits a person or animal shelter from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer, as specified.
- 2) Prohibits a person or animal shelter that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing.
- 3) Requires a posting of a specified notice only when an animal shelter entity transfers dead animals to a biological supply facility or a research facility.

- 4) Prohibits a research facility, animal dealer, or other person from receiving a living animal from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter or other person that accepts animals from the public or takes in stray or unwanted animals.
- 5) Provides that nothing in the bill's provisions prohibit a research facility from working in collaboration with an animal shelter to investigate problems and provide services to shelter animals.
- 6) Establishes a civil penalty of \$1,000 for a violation of the bill's provisions, in an action to be brought by the district attorney or city attorney of the county or city where the violation occurred. When collected, the civil penalty shall be payable to the general fund of the governmental entity that brought the action to assess the penalty.
- 7) Defines "animal dealer" as a person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, or who buys, sells, or negotiates the purchase or sale of any animal, whether alive or dead, for research, teaching, exhibition, or biological supply.
- 8) Defines "animal shelter entity" as including but limited to an animal regulation agency, humane society, society for the prevention of cruelty to animals, or other private or public animal shelter.
- 9) Defines "person" as an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, governmental agency, or other legal entity.

## **Background**

Pound seizure became common in the United States in the 1940s, with the biomedical industry actually spearheading legislation in several states to legally require animal shelters to provide dogs and cats to research laboratories either directly, or through animal dealers who collect animals from shelters and other sources and sell them into experimentation.

After media accounts of family pets being stolen and sold by animal dealers in the 1960s, Congress passed the Animal Welfare Act in 1966 to regulate pound seizures and the theft and resale of animals into experimentation. Among other things, the Animal Welfare Act requires animal shelters and pounds to hold cats and dogs for a minimum of five days before they are sold to a dealer, and requires dealers to provide the recipient of the cat or dog with a certification containing certain

information, such as a description of the animal and the name of the shelter it came from. (7 U.S.C. Sec. 2158.) According to Cruelty Free International, however, the Animal Welfare Act “fell short of its intended goals and public expectation.” Specifically, by making it slower and more cumbersome to obtain animals from pounds, some individuals began stealing more pets in order to sell them to research and biomedical institutes. In addition, it created a financial incentive for some animal shelters to sell animals to research institutes instead of making them available for adoption.

Currently, California law prohibits the sale of animals that are abandoned at veterinarian hospitals, kennels, pet grooming parlors, and animal hospitals into any type of research, but condones the practice if the animal is transferred from an animal shelter entity, as long as appropriate signs at shelters inform the public of the practice. Seeking to bring consistency to state law, this bill prohibits the sale or transfer of live animals from pounds and animal shelters to any animal dealer or research facility, and prohibits the euthanizing of a shelter animal for the purpose of transferring the carcass to a research facility or animal dealer.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- *Local agency animal shelters:* Significant ongoing care and treatment costs, potentially state-reimbursable (General Fund) to local agency animal shelters that accept and care for stray and abandoned animals that will be prohibited from selling, giving, or otherwise transferring living animals to research facilities or animal dealers, as well as prohibited from euthanizing animals for the purpose of transferring to a research facility or animal dealer. The Commission on State Mandates (CSM) in its decision on the claim *Animal Adoption 98-TC-11*, determined that only local agencies are mandated by the state to accept and care for stray and abandoned animals. As a result, despite the fact that the imposition of specified activities is imposed upon both public and private animal shelters, private shelters are not required to take in stray and abandoned animals whereas local agency shelters are required to do so. Therefore, to the extent the provisions of this bill constitute a higher level of service imposed on local agency public shelters to provide care and treatment for stray and abandoned animals for an extended period of time due to the prohibition on selling, giving, or transferring animals, local agencies could potentially be eligible for reimbursement for the increased costs. Staff notes the reimbursable mandate *Animal Adoption* has been suspended in the annual Budget Act. Thus, any additional activities mandated on local agencies that

accept stray or abandoned animals potentially may not be subject to reimbursement during the period the mandate is suspended should the CSM make that determination.

- *University of California (UC)*: The UC has indicated no significant fiscal impact based on the latest amendments to the bill that clarify under what circumstances an animal may be transferred to a research facility.
- *New civil penalty*: Potential minor increase in civil penalty revenues (Local Funds) to the extent district attorneys or city attorneys bring forth actions for violations of this section.

**SUPPORT:** (Verified 8/12/16)

Cruelty Free International (co-source)  
 State Humane Association of California (co-source)  
 Beagle Freedom Project  
 County of Riverside  
 Cruelty Free International  
 Humane Society of the United States  
 Humane Society Veterinary Medical Association  
 League of California Cities  
 New England Anti-Vivisection Society  
 Society for the Prevention of Cruelty to Animals, Los Angeles

**OPPOSITION:** (Verified 8/12/16)

None received

In support, the League of California Cities writes:

Current law already prohibits animals that are abandoned at veterinary hospitals, grooming parlors and kennels from being used for experimentation. AB 2269 would merely extend this prohibition to pounds and animal shelters. A number of cities have already banned this outdated practice, including West Hollywood, San Bernardino, Santa Barbara, Scotts Valley, Laguna Woods, Nevada City, and Paradise.

Additionally, leading medical research institutions have begun to question or prohibit the use of animals acquired from pounds or animal shelters for experimentation. In fact, according to a 2009 report commissioned by the National Academy of Sciences, demand for random sourced animals (a category of animals that includes those from pounds and animal shelters) has

significantly fallen over the last 30 years. AB 2269 is a common sense measure that builds off local ordinances that have already prohibited this unnecessary practice.

ASSEMBLY FLOOR: 77-0, 4/25/16

AYES: Achadjian, Alejo, Travis Allen, Arambula, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Campos, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Beth Gaines, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Grove, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Ridley-Thomas, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Wood, Rendon

NO VOTE RECORDED: Chang, Olsen, Williams

Prepared by: Nichole Rapier / JUD. / (916) 651-4113  
8/15/16 19:39:48

\*\*\*\* END \*\*\*\*